

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 29**

**AMAZON.COM SERVICES LLC**

**and**

**AMAZON LABOR UNION**

**Case Nos. 29-CA-292844  
29-CA-293838  
29-CA-294857**

**ORDER CONSOLIDATING CASES, CONSOLIDATED  
COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, **IT IS ORDERED THAT** Case No. 29-CA-292844, Case No. 29-CA-293838, and Case No. 29-CA-294857, which are based on charges filed by Amazon Labor Union (the Union) against Amazon.com Services LLC (Respondent) are consolidated. This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq. and Section 102.15 of the Board's Rules and Regulations and alleges that Respondent has violated the Act as described below.

1. (a) The charge in Case No. 29-CA-292844 was filed by the Union on March 22, 2022, and a copy was served on Respondent by U.S. mail on March 24, 2022.

(b) The first amended charge in Case No. 29-CA-292844 was filed by the Union on April 21, 2022, and a copy was served on Respondent by U.S. mail on April 22, 2022.

(c) The second amended charge in Case No. 29-CA-292844 was filed by the Union on July 10, 2022, and a copy was served on Respondent by U.S. mail on July 13, 2022.

(d) The charge in Case No. 29-CA-293838 was filed by the Union on April 11, 2022, and a copy was served on Respondent by U.S. mail on April 12, 2022.

(e) The charge in Case No. 29-CA-294857 was filed by the Union on April 27, 2022, and a copy was served on Respondent by U.S. mail on April 28, 2022.

2. (a) At all material times, Respondent, a Delaware limited liability company with a Fulfillment Center located at 526 Gulf Avenue, Staten Island, New York (LDJ5 Facility) has been engaged in the retail sale of consumer products throughout the United States.

(b) During the past twelve-month period, which period is representative of its operations in general, Respondent, in conducting its business operations described above in subparagraph 2(a), derived gross revenues in excess of \$500,000 and purchased and received at its LDJ5 Facility goods and supplies valued in excess of \$5,000 directly from enterprises located outside the State of New York.

3. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, the Amazon Labor Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

- (a) Valerie Sun - Manager
- (b) RJ Arraial - Manager
- (c) Unidentified Manager - Manager
- (d) Unidentified Female - Human Resources Manager

6. On or about April 8, 2022, more precise dates presently unknown, in the Lane 4 breakroom of LDJ5, Respondent, by a manager and Human Resource Manager whose names are presently unknown:

(a) unlawfully prohibited employees from displaying a pro-Union sign in a non-work area on non-work time; and

(b) unlawfully directed employees to remove a pro-Union sign from a non-work area displayed during non-work time.

7. On or about April 8, 2022, in the main office at LDJ5, Respondent, by Manager Valerie Sun:

(a) interrogated employees regarding their Union activities; and

(b) threatened employees with discipline for displaying a pro-Union sign in a non-work area on non-work time.

8. On or about April 9, 2022, in the employee breakroom at LDJ5, Respondent by RJ Arraial:

(a) unlawfully prohibited employees from displaying a pro-Union sign in a non-work area on non-work time; and

(b) unlawfully directed employees to remove a pro-Union sign from a non-work area displayed during non-work time.

9. On or about April 10, 2022, in the employee breakroom at LDJ5, Respondent, by a manager whose name is presently unknown, threatened employees with discipline if they did not remove a pro-Union sign displayed in a non-work area on non-work time.

10. (a) At all material times, Respondent has maintained the following rule:

Solicitation

The orderly and efficient operation of Amazon's business requires certain restrictions on solicitation of associates and the distribution of materials or

information on company property. This includes solicitation via company bulletin boards or email or through other electronic communication media.

The following activities are prohibited:

- Solicitation of any kind by associates on company property during working time;
- Distribution of literature or materials of any type or description (other than as necessary in the course of your job) by associates in working areas at any time; and
- Solicitation of any type on company premises at any time by non-associates.

Examples of prohibited solicitation include the sale of merchandise, products, or services (except as allowed on `forsale@Amazon` alias), soliciting for financial contributions, memberships, subscriptions, and signatures on petitions, or distributing advertisements or other commercial materials.

The only exceptions to this policy are communications for company-sponsored activities or benefits, or for company-approved charitable causes, or other specific exceptions formally approved by the company. All communications under these exceptions must also have prior approval of Human Resources. Violation of this policy may result in immediate disciplinary action, up to and including termination of employment.

(b) On or about April 10, 2022, Respondent issued the following discipline against

Madeline Wesley:

- (i) a documented coaching.
- (ii) a first written warning.

(c) By the conduct described above in paragraph 10(b), Respondent selectively and disparately enforced the rule described in paragraph 10(a) by discriminatorily applying it against employees who engaged in Union activity and other concerted activities and to discourage employees from engaging in Union activities or other concerted activities.

11. On or about April 26, 2022, Respondent disciplined the employees named below, in the manner set forth opposite their respective names:

- |                      |                       |
|----------------------|-----------------------|
| (a) Michael Aguilar  | First Written Warning |
| (b) Uriel Concepcion | Documented Coaching   |

12. Respondent engaged in the conduct described above in paragraphs 11(a), and 11(b) because the named employees assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

13. By the conduct described above in paragraphs 6 through 9, Respondent has been interfering with, restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

14. By the conduct described above in paragraphs 10 and 11, Respondent has been discriminating in regard to tenure of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and 8(a)(3) of the Act.

15. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

16. As part of the remedy for the unfair labor practices alleged above in paragraphs 6 through 14, the General Counsel seeks an order requiring that Respondent:

(a) physically post the Notice to Employees in all locations where Respondent typically posts notices to employees, including in all employee bathrooms and bathroom stalls, and that Respondent electronically distribute the Notice to Employees by all methods that Respondent communicates with its employees, including but not limited to email, text message, social media, Voice of Associates (VOA) and applications, including the Amazon A to Z app and its “inSites.” The physical and electronic Notice shall be in English and in Spanish and any other languages deemed necessary to apprise employees of their Section 7 rights;

(b) by General Manager Felipe Santos, read the Notice to Employees, in English and Spanish and any other languages deemed necessary, in the presence of a Board agent and the Charging Parties, at a meeting(s) convened by Respondent for all LDJ5 employees;

(c) schedule with Region 29 of the NLRB a mandatory training session(s) for all Respondent supervisors, managers, and agents (including security personnel and all outside labor or management consultants) covering the rights guaranteed to employees under Section 7 of the Act and submit an attendance list to the Regional Director within 7 days of the training session(s);

(d) hand deliver and email the signed Notice to Employees to all supervisors, managers and agents, along with written instructions signed by General Manager Felipe Santos, directing them to comply with the provisions of the Notice, and provide the Regional Director with written proof of compliance; and

(e) Rescind the unlawfully-applied “Solicitation” rule described above in paragraph 10(a) at all Respondent facilities where that rule is in effect and provide appropriate written and electronic notification to all employees at each of those facilities that Respondent has rescinded the Solicitation rule. Should Respondent wish to reinstate the rule, Respondent must include a disclaimer that Respondent will not apply the rule to Section 7 activities.

(f) all other relief as may be just and proper to remedy the unfair labor practices alleged.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board’s Rules and Regulations, it must file an answer to the Consolidated Complaint. The answer must be **received by this office on or before October 4, 2022, or postmarked on or before October 3, 2022.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency’s website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests

exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Consolidated Complaint are true.

Any request for an extension of time to file an answer must, pursuant to Sections 102.22 and 102.2 of the Board's Rules and Regulations, be filed electronically by the close of business on **October 3, 2022**. The request should be in writing and addressed to the Regional Director of Region 29.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **January 10, 2023, at 10:00 a.m., and on consecutive days thereafter until concluded, by video conference or in-person at a fifth-floor hearing room at Region 29, Two MetroTech Center, Brooklyn, New York**, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Consolidated Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: September 20, 2022, Brooklyn, New York.

*/s/ Nancy Reibstein*

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Attachments